

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**FILED
SCRANTON**

JUL 06 2011

MARSHALL SCHROEDER,

Plaintiff

v.

VERIZON PENNSYLVANIA, INC.,

Defendant

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:
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:
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:
:

NO. 3:10-CV-1305

JUDGE NEALON

MAGISTRATE JUDGE MANNION

PER M. E. Mannion
DEPUTY CLERK

MEMORANDUM AND ORDER

Plaintiff, Marshall Schroeder, initiated this matter by filing a complaint on June 22, 2010 against the Defendant, Verizon Pennsylvania, Inc., alleging various violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §1681 et seq. (Doc. 1). On January 14, 2011, Defendant filed a motion for summary judgment and on February 9, 2011 Plaintiff filed a cross-motion for summary judgment. (Docs. 18 & 26). After the parties briefed the cross-motions, Magistrate Judge Malachy E. Mannion filed a Report and Recommendation recommending that Defendant's motion be granted and Plaintiff's motion be denied. (Doc. 27). Neither party has objected to the Magistrate Judge's Report and Recommendation and the motions are now ripe for disposition. For the reasons that follow, the Defendant's motion will be granted and Plaintiff's motion will be denied.

When neither party objects to a magistrate judge's report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. Thomas v. Arn, 474 U.S. 140, 152 (1985); 28 U.S.C. § 636(b)(1)(C). Nevertheless, the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987), writ denied 484

U.S. 837 (1987); Garcia v. I.N.S., 733 F. Supp. 1554, 1555 (M.D. Pa. 1990) (Kosik, J.) (stating “the district court need only review the record for plain error or manifest injustice”). In the absence of objections, review may properly be limited to ascertaining whether there is clear error that not only affects the rights of the plaintiff, but also seriously affects the integrity, fairness, or public reputation of judicial proceedings. Cruz v. Chater, 990 F. Supp. 375, 377 (M.D. Pa. 1998) (Vanaskie, J.). The district court may accept, reject, or modify, in whole or in part, the findings and recommendations contained in the report. 28 U.S.C. § 636(b)(1)(C); Local Rule 72.3.

Having reviewed the instant record, no error is discerned from the Report and Recommendation. In the Report, Magistrate Judge Mannion makes a thorough determination of the facts of this matter. (Doc. 27, pp. 5-13). The Magistrate Judge properly concludes that Defendant efficiently and sufficiently investigated the notice of the disputed charges when notice was received from the Credit Reporting Agencies in compliance with § 1681s-2(b). (Doc. 27, p. 16). Further, it is agreed that subsections (a) and (e) of § 1681s-2, under which Plaintiff makes claims, do not create private causes of action. See Huertas v. Galaxy Asset Management, 641 F.3d 28, 2011 U.S. App. LEXIS 7397, *13 (3d Cir. 2011); see also 15 U.S.C. §§ 1681s-2(c) & (d). A review of all filings and the Report and Recommendation found no error on behalf of the Magistrate Judge and, therefore, his recommendation to grant Defendant’s motion for summary judgment and deny Plaintiff’s motion for summary judgment will be accepted.



United States District Judge

Date: July 6, 2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARSHALL SCHROEDER,	:	
	:	
Plaintiff	:	
	:	
v.	:	NO. 3:10-CV-1305
	:	
VERIZON PENNSYLVANIA, INC.,	:	JUDGE NEALON
	:	MAGISTRATE JUDGE MANNION
Defendant	:	

ORDER

NOW, THIS 6th DAY OF JULY, 2011, for the reasons set forth in the foregoing

Memorandum, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Mannion's Report and Recommendation (Doc. 27) is **ADOPTED**;
2. The Defendant's motion for summary judgment (Doc. 18) is **GRANTED**;
3. The Plaintiff's motion for summary judgment (Doc. 26) is **DENIED**;
4. The Clerk of Courts is hereby directed to **CLOSE** this matter; and
5. Any appeal will be deemed frivolous and not taken in good faith.



United States District Judge